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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE TESLA INC. SECURITIES
LITIGATION

Case No. 3:18-cv-04865-EMC

Judge: Hon. Edward M. Chen
Date: May 2, 2019
Time: 1:30 P.M.
Courtroom: Courtroom 5 – 17th Floor

BRIDGESTONE INVESTMENT CORPORATION LIMITED'S NOTICE OF MOTION AND
MOTION TO STAY PROCEEDINGS PENDING RESOLUTION OF PETITION FOR WRIT OF
MANDAMUS BY THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

NOTICE OF MOTION AND MOTION

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that at 1:30 P.M. on May 2, 2019, or as soon prior to that date as the matter may be heard, before the Honorable Edward M. Chen, United States District Court, Northern District of California, San Francisco Courthouse, Courtroom 5 - 17th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102, Bridgestone Investment Corporation Limited (“Bridgestone”) will and hereby does move for an order staying these proceedings and vacating its February 11, 2019 Scheduling Order (ECF No. 194) pending resolution of Bridgestone’s Petition for Writ of Mandamus before the United States Court of Appeals for the Ninth Circuit.

STATEMENT OF ISSUES TO BE DECIDED

Whether this action should be stayed pending resolution of Bridgestone’s Petition for Writ of Mandamus before the United States Court of Appeals for the Ninth Circuit.

MEMORANDUM IN SUPPORT

On November 27, 2018, this Court entered its order appointing Glen Littleton as Lead Plaintiff in the above-captioned matter. ECF No. 152. On December 3, 2018, Bridgestone sought leave to move the Court to reconsider its November 27, 2018 order. *See* ECF No. 158. The Court granted Bridgestone’s motion. ECF No. 160. While the motion for reconsideration was pending, the Court stayed its prior scheduling order. ECF No. 171. On December 17, 2018, the Court denied Bridgestone’s motion. ECF No. 172. On January 4, 2019, Bridgestone filed its Petition for Writ of Mandamus with the United States Court of Appeals for the Ninth Circuit (the “Petition”). ECF No. 196.

On March 22, 2019, the Ninth Circuit entered an Order finding that Bridgestone’s Petition raised issues that warrant an answer (“Ninth Circuit Order”). *See* Declaration of Ramzi Abadou (“Abadou Decl.”) Ex. A. The Ninth Circuit directed interested parties and/or this Court to file a response to the Petition within fourteen days. *Id.* In light of the Ninth Circuit’s Order, this Court should stay the instant proceedings as previous courts in this District have done under identical circumstances. *See* Abadou Decl. Ex. B. It is well-settled that district courts have the inherent power to issue stays to manage their dockets. *See Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*,

898 F.2d 1428, 1429 (9th Cir. 1990). Moreover, in light of the issues before the Ninth Circuit, Bridgestone believes that it would be in the judicial efficiency interests of the Court, the parties and the putative class to stay this litigation pending a ruling on its Petition. Finally, the undersigned counsel has conferred with counsel for Defendants who agree that the stay Bridgestone seeks is fully warranted.

CONCLUSION

For the foregoing reasons. Bridgestone's motion to stay should be granted in its entirety.

Dated: March 22, 2019

Respectfully submitted,

KAHN SWICK & FOTI, LLP

By: /s/ Ramzi Abadou

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CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses registered, as denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/ Ramzi Abadou
RAMZI ABADOU

Mailing Information for a Case 3:18-cv-04865-EMC In re Tesla Inc. Securities Litigation

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)